

Kerry J. Shepherd, OSB #94434
KerryShepherd@MHGM.com
MARKOWITZ, HERBOLD, GLADE
& MEHLHAF, P.C.
Suite 3000 Pacwest Center
1211 S.W. Fifth Avenue
Portland, OR 97204
Tel: (503) 295-3085
Fax: (503) 323-9105

FILED 05 MAY 06 10:54 USDC-ORF

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ULTRA TRADING INTERNATIONAL
LTD., a Florida corporation,

Plaintiff,

vs.

CONG TY TNHH NINH SON, a Vietnam
corporation,

Defendant.

CV No.: CV 05-600-HU

TEMPORARY RESTRAINING ORDER

The court has considered the ex parte motion for temporary restraining order pursuant to Rule 4(n)(2) and Rule 64 of the Federal Rules of Civil Procedure and Rules 83 and 84 of the Oregon Rules of Civil Procedure, against defendant Cong Ty TNHH Ninh Son and garnishee U.S. Bank National Association, pending the hearing and determination of plaintiff's motion for writ of attachment and writ of garnishment, as set forth in the declaration of Moshe Schwartz, dated May 6, 2005, with attached copy of the summons dated May 2, 2005, and the complaint, dated April 29, 2005, in which it appears that there is an imminent threat of removal of the claimed property from this state or transfer to an innocent purchaser, before the hearing can be held.

On the basis of all pleadings and papers on file, it appears to the court that there is probable cause to believe that plaintiff will suffer immediate and irreparable injury and damage before notice can be given and defendant and garnishee or their attorneys can be heard in opposition, and before a hearing can be held. The court therefore finds that the temporary restraining order should be issued. Therefore,

IT IS ORDERED that:

1. Defendant, Cong Ty TNHH Ninh Son, its officers, agents, employees, successors and attorneys, and all persons acting in concert with them, are enjoined and restrained from transferring any bill of lading with respect to the goods reflected on the Bills of Lading numbered VN992 and VN1005; and

2. Garnishee bank, U.S. Bank National Association, its officers, agents, employees, successors and attorneys, and all persons acting in concert with them, are enjoined and restrained from making any payment with respect to Letter of Credit No. 1LCPPDX03942, dated April 8, 2005, and from delivering to any person the original Bill(s) of Lading numbered VN992 and VN1005; and

3. This temporary restraining order shall remain in place until the court issues a ruling in conjunction plaintiff's motion for a writ of attachment and writ of garnishment, as scheduled below.

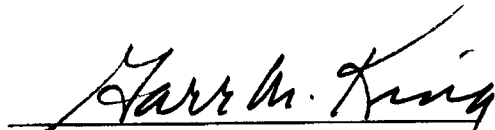
IT IS FURTHER ORDERED that Cong Ty TNHH Ninh Son, defendant, appear before this court in Courtroom No. 9A of the Mark O. Hatfield U.S. Courthouse at 1000 SW Third Avenue, Portland, OR 97204-2902, on May 26, 2005, at 1:30 PM, or as soon thereafter as counsel can be heard, to show cause why this temporary restraining order should not continue during the pendency of this action. Defendant may file affidavits or declarations with the court and may present testimony at the hearing; if defendant fails to appear at the hearing, either in person or by counsel, the court, without taking further evidence, may immediately enter a preliminary injunction and issue orders of attachment and garnishment, in accordance with plaintiff's application; and

IT IS FURTHER ORDERED that U.S. Bank National Association, garnishee, appear before this court on the date and time and at the place, as set forth in the above, for the hearing of plaintiff's motion, as set forth in the application of plaintiff; garnishee may file affidavits or declarations with the court and may present testimony at the hearing; if garnishee fails to appear at the hearing, either in person or by counsel, the court, without taking further evidence, may immediately enter a preliminary injunction and issue orders of attachment and garnishment, in accordance with plaintiff's application; and

IT IS FURTHER ORDERED that plaintiff, as a condition for obtaining this order, is required to post a bond, letter of credit, or cash deposit, in the sum of \$ 50,000⁰⁰; and

IT IS FURTHER ORDERED that a copy of this order shall be served forthwith on garnishee and promptly on defendant by transmittal to the defendant at its office in the Socialist Republic of Vietnam.

Dated this 6th day of May, 2005.


Hon. Garr M. King
United States District Court Judge

90527